

## **REMARKS**

### ***Claim Amendments***

Upon entry of the foregoing amendment, claims 1-33 and 35-59 are pending in the application. Claims 1 and 2 have been amended. Support for the amendment to the claims can be found throughout the specification and in the claims as originally filed. Applicants respectfully request entry of the above amendment and submit that the above amendment does not constitute new matter.

### ***Allowable Claims***

The Office Action indicated that claims 31-33 and 56 were allowable.

### ***Sequence Rules***

Applicants have provided herewith a Replacement Sequence Listing rendering this rejection *moot*.

### ***Drawings***

Applicants have provided herewith a Replacement Drawing for Figure 2 rendering this rejection *moot*.

### ***Claim rejections – 35 U.S.C. § 112, second paragraph***

Claims 1-30, 35-55, and 57-59 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have amended claims 1 and 2 rendering this rejection *moot*.

### ***Claim Rejection — 35 U.S.C. §§ 102(b)/103(a)***

Claims 24-25, 28-29, 37-54, and 57-59 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent No. 6,130,045 (“the ’045 patent”). Applicants respectfully disagree and traverse this rejection.

As a preliminary matter, Applicants note that claims 24-25, 28-29, 27-54, and 57-59 depend (ultimately from) independent claim 1 which is drawn to a method for enriching the GC base pair content of a DNA molecule the method comprising the steps of (a) providing

a DNA template molecule in which at least some of the A residues are base paired with U residues and (b) replicating the DNA template molecule provided in step (a) under conditions in the replication reaction medium in which at least some of the U residues base pair with a G residue, whereby the further replication of the DNA containing the G-U base pair will fix the mutation in at least some of the resulting DNA molecules such that the effect is to cause an AT to GC transition mutation in the DNA molecule. By definition, “[a] claim in dependent form shall be construed to incorporate by reference all the limitations of the claim” upon which it depends, including intervening claims. See 35 U.S.C. § 112, fourth paragraph. Here, the '045 patent does not teach or suggest the method of claim 1, therefore, it can not teach or suggest the method as delineated by dependent claims 24-25, 28-29, 37-54, and 57-59.

Further, Applicants submit that the '045 patent does not teach or suggest a mutant polypeptide prepared by the method of claim 20 or a DNA molecule prepared by a method according to Claims 2-14 and 35-36.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection.

**CONCLUSION**

Applicants respectfully submit that the pending claims are in condition for allowance, and such disposition is earnestly solicited. Should the Examiner believe that any issues remain after consideration of this Response, the Examiner is invited to contact the Applicant's undersigned representative to discuss and resolve such issues.

It is believed that no other fees are required for entry of these remarks, but should any fees be necessary, the Commissioner is authorized to charge such fees to **Deposit Account No. 50-2536**.

Respectfully submitted,

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Dated: July 15, 2008

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